

# HOUSE . . . . . No. 2034

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The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES

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MESSAGE

FROM

HIS EXCELLENCY

THE GOVERNOR

SUBMITTING REORGANIZATION

PLAN NUMBER 1 OF 2007,

RELATIVE TO REORGANIZING

THE GOVERNOR'S CABINET

AND CERTAIN AGENCIES OF THE

EXECUTIVE DEPARTMENT.

(under Article LXXXVII  
of the Amendments  
to the Constitution)

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February 9, 2007

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## The Commonwealth of Massachusetts

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DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

### EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000

February 9, 2007.

To the Honorable Senate and House of Representatives:

As provided in Article LXXXVII of the Amendments to the Constitution, I submit for your consideration, “An Act Reorganizing The Governor’s Cabinet And Certain Agencies Of The Executive Department.”

This Article 87 plan will bring together agencies that operate in related spheres, thereby enhancing the efficiency and responsiveness of governmental agencies and tying responsibility and authority to accountability. This legislation modernizes those Executive agencies responsible for the Commonwealth’s energy, environmental, telecommunications, labor, and economic policies to maximize the promise and synergy of these vital government services.

Specifically, this bill focuses on the structure of the cabinet and makes several changes. First it establishes an Executive Office of Housing and Economic Development, which will include the Department of Housing and Community Development. Second, this bill establishes an Executive Office of Labor and Workforce Development, which will include the Department of Labor, the Department of Workforce Development, as well as the MCAD. Further, it creates an Executive Office of Energy and Environment, which brings together the Division of Energy Resources and the Department of Public Utilities, including the energy-related functions of the former Department of Telecommunications and Energy. This plan reduces the number of commissioners from five to three.

This plan also creates a new agency called the Department of Telecommunications and Cable, to be housed in the Office of Consumer Affairs and Business Regulation, within the new Executive Office of Housing and Economic Development. It places the Department of Telecommunications and Cable under the direction of a single commissioner appointed by the Governor. Finally, this bill amends the composition of the Energy Facilities Siting Board, an agency to be housed in the Department of

Public Utilities. With this new governmental organization, the Executive branch will become more accountable and efficient, and our agencies will better maximize their expertise and make Massachusetts a national model for environmental, energy and communications policies.

Accordingly, I urge your favorable consideration of this plan to simplify our systems and to increase the efficiency and accountability of our government for the people of the Commonwealth.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a large, stylized initial "D" and a horizontal line extending to the right.

DEVAL PATRICK,  
*Governor.*

**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Seven.

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AN ACT REORGANIZING THE GOVERNOR'S CABINET AND CERTAIN  
AGENCIES OF THE EXECUTIVE DEPARTMENT.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Chapter 6 of the General Laws is hereby amended  
2 by striking out section 17A and inserting in place thereof the fol-  
3 lowing section:—

4     Section 17A. There shall be a cabinet, which shall serve under  
5 the governor. The cabinet shall consist of the secretary of admin-  
6 istration and finance, the secretary of elder affairs, the secretary of  
7 energy and environmental affairs, the secretary of health and  
8 human services, the secretary of housing and economic develop-  
9 ment, the secretary of labor and workforce development, the sec-  
10 retary of public safety and security, the secretary of transportation  
11 and public works, and other officers of the executive department  
12 that the governor may from time to time designate.

1     SECTION 2. Section 56 of chapter 6, as appearing in the 2004  
2 Official Edition, is hereby amended by striking out the first para-  
3 graph and inserting in place thereof the following paragraph:—

4     There shall be in the executive office of labor and workforce  
5 development a commission to be known as the Massachusetts  
6 Commission Against Discrimination.

1     SECTION 3. Chapter 6A of the General Laws is hereby  
2 amended by striking out section 2 and inserting in place thereof  
3 the following section:—

4     Section 2. There shall be the following executive offices, each  
5 of which shall serve under the governor: administration and  
6 finance, energy and environmental affairs, health and human serv-

7 ices, housing and economic development, labor and workforce  
8 development, public safety and security, transportation and public  
9 works.

1 SECTION 4. Section 3 of chapter 6A of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 striking out the third sentence and inserting in place thereof the  
4 following sentence:— Each secretary may, notwithstanding sec-  
5 tion 45 of chapter 30 and chapter 31, subject to the approval of  
6 the governor and subject to appropriation, appoint 1 or more  
7 undersecretaries for the executive office, each of whom shall  
8 serve at the pleasure of her appointing secretary.

1 SECTION 5. Section 8B of chapter 6A is hereby repealed.

1 SECTION 6. Subsection (a) of section 16G of chapter 6A, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 striking out the first sentence and inserting in place thereof the  
4 following sentence:— In the executive office of housing and eco-  
5 nomic development, there shall be a department of business and  
6 technology, a department of consumer affairs and business regula-  
7 tion, and a department of housing and community development.

1 SECTION 7. Section 16G of chapter 6A, as so appearing, is  
2 hereby further amended by striking out, in lines 19 to 21, the  
3 words “, the department of telecommunications and energy, the  
4 division of professional licensure and the division of energy  
5 resources” and inserting in place thereof the following words:—  
6 and the division of professional licensure.

1 SECTION 8. Section 16G of chapter 6A, as so appearing, is  
2 hereby further amended by striking out subsections (d) and (e).

1 SECTION 9. Subsection (f) of section 16G of chapter 6A, as so  
2 appearing, is hereby amended by striking out the first sentence  
3 and inserting in place thereof the following sentence:— The sec-  
4 retary of housing and economic development shall be appointed  
5 by the governor and shall be a person of skill and experience in  
6 the fields of housing and economic development.

1 SECTION 10. Section 4G of chapter 7 of the General Laws, as  
2 so appearing, is hereby amended by striking out, in lines 3 and 4,  
3 the words “; the Massachusetts commission against discrimina-  
4 tion”.

1 SECTION 11. The title of chapter 21A of the General Laws is  
2 hereby amended by inserting after the word “OF” the following  
3 words:— ENERGY AND.

1 SECTION 12. Section 1 of chapter 21A, as appearing in the  
2 2004 Official Edition, is hereby amended by inserting after the  
3 word “of”, in line 1 and line 3, in each instance, the following  
4 words:— energy and.

1 SECTION 13. Section 7 of chapter 21A, as so appearing, is  
2 hereby amended by striking out the first sentence and inserting in  
3 place thereof the following sentence:— In the executive office  
4 shall be an office of the secretary, a department of environmental  
5 protection, a department of conservation and recreation, a depart-  
6 ment of agricultural resources, a department of fish and game, a  
7 department of public utilities, and a division of energy resources.

1 SECTION 14. The title of chapter 23 of the General Laws is  
2 hereby amended by striking out the word “DEPARTMENT” and  
3 inserting in place thereof the following words:— “EXECUTIVE  
4 OFFICE”.

1 SECTION 15. Chapter 23 is hereby further amended by  
2 striking out section 1 and inserting in place thereof the following  
3 2 sections:—

4 Section 1. There shall be an executive office of labor and work-  
5 force development, which shall be under the supervision and con-  
6 trol of a secretary of labor and workforce development, appointed  
7 by the governor. The secretary of labor and workforce develop-  
8 ment may, pursuant to chapter 30A, adopt regulations for the  
9 implementation or interpretation of any law enforced or adminis-  
10 tered by any department, office, agency, or other entity in the  
11 executive office of labor and workforce development. In the exec-  
12 utive office shall be the department of labor, the department of

13 workforce development, and the Massachusetts Commission  
14 Against Discrimination.

15 Section 1A. (a) In the executive office of labor and workforce  
16 development, there shall be a department of labor, in this chapter  
17 called the department.

18 (b) Subject to appropriation, the department shall be provided  
19 with such offices in Boston and elsewhere in the commonwealth  
20 as may be approved by the governor and may expend sums for  
21 other necessary expenses of the department. The department may  
22 accept gifts or grants of money or property, whether real or per-  
23 sonal, from any source, public or private, including, but not lim-  
24 ited to, the United States of America or its agencies, for the  
25 purpose of assisting the department in the discharge of its duties.

26 (c) The following state agencies shall be in the department of  
27 labor: the division of industrial accidents, the division of concilia-  
28 tion and arbitration, the labor relations commission, the joint  
29 labor-management committee, and the division of occupational  
30 safety.

1 SECTION 16. The first paragraph of section 1 of chapter 23B  
2 of the General Laws, as appearing in the 2004 Official Edition, is  
3 hereby amended by striking out the first and second sentences and  
4 inserting in place thereof the following 2 sentences:— In the  
5 executive office of housing and economic development, there  
6 shall be a department of housing and community development, in  
7 this chapter called the department, which shall be under the super-  
8 vision and control of an undersecretary for housing and commu-  
9 nity development, in this chapter called the undersecretary or the  
10 director. The undersecretary shall be appointed by the secretary of  
11 housing and economic development, with the approval of the gov-  
12 ernor, for a term coterminous with that of the governor, shall  
13 serve at the pleasure of the secretary, and shall not be subject to  
14 section 9A of chapter 30 or chapter 31.

15

16 SECTION 17. Section 1 of chapter 23H of the General Laws,  
17 as so appearing, is hereby amended by striking out, in line 1, the  
18 word “economic” and inserting in place thereof the following  
19 words:— labor and workforce.

1 SECTION 18. Section 1 of chapter 23H, as so appearing, is  
2 hereby further amended by adding the following subsection:—

3 (d) The following state agencies and funds shall be in the  
4 department of workforce development: the one stop career cen-  
5 ters, the state workforce investment board, the division of  
6 apprentice training, the commonwealth corporation, the work-  
7 force training fund, and the division of unemployment assistance.  
8 The division of unemployment assistance shall include the med-  
9 ical security trust fund and the unemployment insurance trust  
10 fund.

1 SECTION 19. Subsection (a) of section 1 of chapter 24A of  
2 the General Laws, as so appearing, is hereby amended by striking  
3 out the first sentence and inserting in place thereof the following  
4 sentence:— Within the executive office of housing and economic  
5 development, there shall be an office of consumer affairs and  
6 business regulation, in this chapter called the office.

1 SECTION 20. Subsection (b) of section 1 of chapter 24A, as  
2 so appearing, is hereby further amended by striking out the first  
3 sentence and inserting in place thereof the following sentence:—  
4 There shall be within the office the following divisions con-  
5 taining the following state agencies or functions: (1) the division  
6 of business regulation, including the department of telecommuni-  
7 cations and cable and all other state agencies within that depart-  
8 ment; the department of banking and insurance and all other state  
9 agencies within that department, including the small loans regu-  
10 latory board and the trustees of the General Insurance Guaranty  
11 Fund; and the state racing commission; (2) the division of con-  
12 sumer affairs, including the division of registration established by  
13 section 8 of chapter 13, including the several boards of registra-  
14 tion serving in that division; and (3) the division of standards,  
15 established by section 5.

1 SECTION 21. Section 1 of chapter 25 of the General Laws, as  
2 so appearing, is hereby amended by striking out, in lines 1 and 2,  
3 the words “telecommunications and energy” and inserting in  
4 place thereof the following words:— public utilities.



1 SECTION 22. Section 2 of chapter 25, as so appearing, is  
2 hereby amended by striking out the first paragraph and inserting  
3 in place thereof the following paragraph:

4 The department shall be under the supervision and control of  
5 the commonwealth utilities commission, in this chapter called the  
6 commission, which shall consist of 3 members, 2 of whom shall  
7 be appointed and may be removed by the secretary of energy and  
8 environmental affairs for a term coterminous with that of the gov-  
9 ernor. The third member shall be appointed and may be removed  
10 by the secretary for a term of 4 years. The secretary shall desig-  
11 nate one commissioner as chairman, who shall serve as chairman  
12 for 2 years, and may be reappointed, unless removed as chairman  
13 by the secretary, with the approval of the governor. Commission  
14 members shall have background or expertise in electricity or nat-  
15 ural gas matters. Any appointment or removal by the secretary  
16 under this section shall require the approval of the governor. The  
17 commissioners shall devote their full time to the duties of their  
18 office. Not more than 2 members of the commission shall be  
19 members of the same political party. Any decision made or order  
20 issued by the commission may be made by majority vote of a  
21 quorum of 2 members.

1 SECTION 23. Section 2A of chapter 25, as so appearing, is  
2 hereby amended by striking out, in line 2, the words “consumer  
3 affairs and business regulation” and inserting in place thereof the  
4 following words:— energy and environmental affairs.

1 SECTION 24. Section 4 of chapter 25, as so appearing, is  
2 hereby amended by striking out, in lines 16 to 18, the words “two  
3 or more commissioners shall participate and in the decision of all  
4 such matters at least three of the commissioners shall participate”  
5 and inserting in place thereof the following words:— at least 2  
6 commissioners shall participate and in the decision of all such  
7 matters at least 2 commissioners shall participate.

1 SECTION 25. Section 12E½ of chapter 25 is hereby repealed.

1 SECTION 26. The first paragraph of section 18 of chapter 25,  
2 as appearing in the 2004 Official Edition, is hereby amended by

3 striking out the first sentence and inserting in place thereof the  
4 following sentence:— The commission may make an assessment  
5 against each electric and gas company under the jurisdictional  
6 control of the department and each generation company and sup-  
7 plier licensed by the department to do business in the common-  
8 wealth, based upon the intrastate operating revenues subject to the  
9 jurisdiction of the department of each such company derived from  
10 sales within the commonwealth of electric and gas service,  
11 respectively, as shown in the annual report of each such company  
12 to the department.

1 SECTION 27. Section 18 of chapter 25, as so appearing, is  
2 hereby further amended by striking out the words “by a telephone  
3 or telegraph company under the provisions of said chapter 159 or”  
4 in lines 68 and 69.

1 SECTION 28. Section 1 of chapter 25A of the General Laws,  
2 as so appearing, is hereby amended by striking out, in lines 1 and  
3 2, the words “office of consumer affairs and business regulation”  
4 and inserting in place thereof the following words:— executive  
5 office of energy and environmental affairs.

1 SECTION 29. The General Laws are hereby amended by  
2 inserting after chapter 25B the following chapter:

3 **CHAPTER 25C.**

4 **DEPARTMENT OF TELECOMMUNICATIONS**  
5 **AND CABLE.**

6 Section 1. There shall be in the office of consumer affairs and  
7 business regulation a department of telecommunications and  
8 cable, in this chapter called the department, for the general super-  
9 vision of telephone and telegraph companies subject to  
10 chapter 166 and community antenna television systems as defined  
11 in section 1 of chapter 166A.

12 Section 2. The department shall be under the supervision and  
13 control of a commissioner who shall be appointed by the governor  
14 for a term coterminous with that of the governor, and who shall

15 serve at the pleasure of the governor. The commissioner shall  
16 devote his full time to the duties of his office. The position of  
17 commissioner shall be classified in accordance with sections 45  
18 and 46C of chapter 30.

19 Section 3. The commissioner shall be sworn to the faithful per-  
20 formance of his official duties. The commissioner shall not own,  
21 or be in the employ of, or own any stock in any regulated industry  
22 company, nor shall he be in any way directly or indirectly pecu-  
23 niarily interested in or connected with any such regulated industry  
24 company or in the employ or connected with any person financing  
25 any regulated industry company. The commissioner shall not per-  
26 sonally or through any partner or agent render any professional  
27 service or make or perform any business contract with or for any  
28 regulated industry company, nor shall he directly or indirectly  
29 receive any commission, bonus, discount, present, or reward from  
30 any regulated industry company. For the purposes of this section,  
31 a regulated industry company shall be defined as any corporation,  
32 city, town or other governmental subdivision, partnership or other  
33 organization, or any individual engaged within the commonwealth  
34 in any business which is, or the persons engaged in which are, in  
35 any respect made subject to the supervision or regulation of the  
36 department by any provision of law except chapter 110A and  
37 chapter 651 of the acts of 1910, as amended.

38 Section 4. The commissioner shall have and exercise supervi-  
39 sion and control over all the affairs of the department. He shall  
40 preside at all hearings at which he is present, and shall designate  
41 an employee of the department to act as presiding officer in his  
42 absence.

43 Section 5. Notwithstanding clause Twenty-sixth of section 7 of  
44 chapter 4 and section 10 of chapter 66, the department may pro-  
45 tect from public disclosure trade secrets, confidential, competi-  
46 tively sensitive or other proprietary information provided in the  
47 course of proceedings conducted pursuant to this chapter. There  
48 shall be a presumption that the information for which such protec-  
49 tion is sought is public information and the burden shall be upon  
50 the proponent of such protection to prove the need for such pro-  
51 tection. Where such a need has been found to exist, the depart-  
52 ment shall protect only so much of the information as is necessary  
53 to meet such need. The commissioner shall adopt procedural regu-  
54 lations consistent with this section to implement this section.

55 Section 6. There shall be in the department and under the  
56 supervision and control of the commissioner a division of  
57 telecommunications. The division, subject to such supervision and  
58 control, shall perform functions that the commissioner may deter-  
59 mine in relation to the administration, implementation, and  
60 enforcement of the department's authority over the telecommuni-  
61 cations industry, including, but not limited to, the authority  
62 granted by chapters 25, 30A, 159 and 166. The commissioner  
63 shall annually prepare and submit to the governor and the general  
64 court, on or before the first Wednesday of November, a report of  
65 the division's activity and of the condition of the telecommunica-  
66 tions industry within the commonwealth during the preceding  
67 fiscal year, together with recommendations which the commis-  
68 sioner considers necessary or desirable.

69 Section 7. The commissioner may make an assessment against  
70 each cable television, telephone and telegraph company under the  
71 jurisdictional control of the department, based upon the intrastate  
72 operating revenues subject to the jurisdiction of the department of  
73 each such company derived from sales within the commonwealth  
74 of cable television, telephone and telegraph service, respectively,  
75 as shown in the annual report of each company to the department.  
76 These assessments shall be made at a rate not exceeding 0.2 per  
77 cent of such intrastate operating revenues, as shall be determined  
78 and certified annually by the commissioner as sufficient to reim-  
79 burse the commonwealth for funds appropriated by the general  
80 court for the operation and general administration of the depart-  
81 ment, exclusive of the cost of fringe benefits as established by the  
82 secretary of administration and finance pursuant to section 5D of  
83 chapter 29, including group life and health insurance, retirement  
84 benefits, paid vacations, holidays and sick leave. The funds may  
85 be used to compensate consultants in hearings on petitions filed  
86 by companies subject to assessment under this section. Assess-  
87 ments made under this section may be credited to the normal  
88 operating cost of each company. Each company shall pay the  
89 amount assessed against it within 30 days after the date of the  
90 notice of assessment from the department. Such assessments shall  
91 be collected by the department and credited to the General Fund.  
92 Any funds unexpended in any fiscal year for the purposes for  
93 which such assessments were made shall be credited against the

94 assessment to be made in the following fiscal year and the assess-  
95 ment in the following fiscal year shall be reduced by any such  
96 unexpended amount.

1 SECTION 30. Section 10 of chapter 159 of the General Laws,  
2 as appearing in the 2004 Official Edition, is hereby amended by  
3 striking out, in line 1, the words “telecommunications and  
4 energy” and inserting in place thereof the following words:—  
5 public utilities.

1 SECTION 31. Section 3 of chapter 159A of the General Laws,  
2 as so appearing, is hereby amended by striking out, in line 6, the  
3 words “telecommunications and energy” and inserting in place  
4 thereof the following words:— public utilities.

1 SECTION 32. Section 1 of chapter 160 of the General Laws, as  
2 so appearing, is hereby amended by striking out the definition of  
3 “Department” and inserting in place thereof the following defini-  
4 tion:—  
5 “Department”, the department of public utilities.

1 SECTION 33. Section 1 of chapter 161 of the General Laws, as  
2 so appearing, is hereby amended by striking out the definition of  
3 “Department” and inserting in place thereof the following defini-  
4 tion:—  
5 “Department”, the department of public utilities.

1 SECTION 34. Section 1 of chapter 162 of the General Laws, as  
2 so appearing, is hereby amended by striking out, in line 2, the  
3 words “telecommunications and energy” and inserting in place  
4 thereof the following words:— public utilities.

1 SECTION 35. Section 1 of chapter 163 of the General Laws, as  
2 so appearing, is hereby amended by striking out, in line 2, the  
3 words “telecommunications and energy” and inserting in place  
4 thereof the following words:— public utilities.

1 SECTION 36. Section 1 of chapter 164 of the General Laws, as  
2 so appearing, is hereby amended by striking out the definition of

3 “Department” and inserting in place thereof the following defini-  
4 tion:—

5 “Department”, the department of public utilities.

1 SECTION 37. The second paragraph of section 69H of  
2 chapter 164, as so appearing, is hereby amended by striking out  
3 the first, second, and third sentences and inserting in place thereof  
4 the following sentences:— The board shall be composed of the  
5 secretary of energy and environmental affairs, who shall serve as  
6 chairman, the secretary of housing and economic development,  
7 the commissioner of the department of environmental protection,  
8 the commissioner of the division of energy resources, 2 commis-  
9 sioners of the commonwealth utilities commission, or the  
10 designees of any of the foregoing, and 3 public members to be  
11 appointed by the governor for a term coterminous with that of the  
12 governor, 1 of whom shall be experienced in environmental  
13 issues, 1 of whom shall be experienced in labor issues, and 1 of  
14 whom shall be experienced in energy issues.

1 SECTION 38. The third paragraph of section 69H of  
2 chapter 164, as so appearing, is hereby amended by striking out  
3 the first sentence.

1 SECTION 39. Section 69H of chapter 164, as so appearing, is  
2 hereby further amended by striking out, in line 45, the words  
3 “director of consumer affairs and business regulation” and  
4 inserting in place thereof the following words:- commissioner of  
5 energy resources.

1 SECTION 40. Section 1 of chapter 164A of the General Laws,  
2 as so appearing, is hereby amended by striking out the definition  
3 of “Department” and inserting in place thereof the following defi-  
4 nition:—

5 “Department”, the department of public utilities.

1 SECTION 41. Section 1 of chapter 165 of the General Laws, as  
2 so appearing, is hereby amended by striking out the definition of  
3 “Department” and inserting in place thereof the following defini-  
4 tion:—

5 “Department”, the department of public utilities.

1 SECTION 42. Section 4 of chapter 166 of the General Laws, as  
2 so appearing, is hereby amended by striking out, in Lines 3 and 4,  
3 the words “telecommunications and energy” and inserting in place  
4 thereof the following words:— telecommunications and cable.

1 SECTION 43. Section 5 of chapter 166, as so appearing, is  
2 hereby amended by adding the following sentence:— In this  
3 chapter, “department” or “department of telecommunications and  
4 energy” means the department of telecommunications and cable.

1 SECTION 44. Section 7 of chapter 166, as so appearing, is  
2 hereby amended by striking out, in lines 5 and 6, the words  
3 “telecommunications and energy” and inserting in place thereof  
4 the following words:— telecommunications and cable.

1 SECTION 45. Section 8 of chapter 166, as so appearing, is  
2 hereby amended by striking out, in line 9, the words “telecommu-  
3 nications and energy” and inserting in place thereof the following  
4 words:— telecommunications and cable.

1 SECTION 46. Section 11 of chapter 166, as so appearing, is  
2 hereby amended by striking out, in line 3, the words “telecommu-  
3 nications and energy” and inserting in place thereof the following  
4 words:— telecommunications and cable.

1 SECTION 47. Section 15E of chapter 166, as so appearing, is  
2 hereby amended by striking out, in lines 64, 67, 68, 74, 128 and  
3 134, the words “telecommunications and energy” and inserting in  
4 place thereof in each instance the following words:— telecommu-  
5 nications and cable.

1 SECTION 48. Section 44 of chapter 166, as so appearing, is  
2 hereby amended by striking out, in lines 11 and 25, the words  
3 “telecommunications and energy” and inserting in each instance  
4 thereof the following words:— telecommunications and cable.

1 SECTION 49. Section 1 of chapter 166A of the General Laws,  
2 as so appearing, is hereby amended by striking out, in lines 8 and  
3 9, the words “department of telecommunications and energy

4 established pursuant to chapter 25” and inserting in place thereof  
5 the following words:— department of telecommunications and  
6 cable established by chapter 25C.

1 SECTION 50. Section 2 of chapter 166A, as so appearing, is  
2 hereby amended by striking out the first paragraph, and inserting  
3 in place thereof the following paragraph:

4 There shall be in the department of telecommunications and  
5 cable a division of community antenna television. Subject to sec-  
6 tion 4 of chapter 25C, the commissioner of the department shall  
7 have all the powers and duties of the division and the director  
8 under this chapter, including, but not limited to, presiding at hear-  
9 ings pursuant to section 2A; the right to maintain or intervene in  
10 an action pursuant to section 12; the authority to hear appeals and  
11 issue enforcement orders pursuant to section 14; the authority to  
12 regulate rates pursuant to section 15; the authority to adopt regu-  
13 lations pursuant to section 16; its enforcement powers pursuant to  
14 section 17; and all other authority to carry out the duties and  
15 responsibilities of this chapter. Appeals of any decision, order, or  
16 ruling of the department may be brought within 14 days of the  
17 issuance of the decision to the commissioner of the department.  
18 When so requested by any party interested, the department shall  
19 rule upon any question of substantive law properly arising in the  
20 course of any proceeding before the division within 14 days.  
21 Except as otherwise provided in this chapter, appeals taken from  
22 the orders of the department shall be taken in the same manner  
23 and according to the same procedure as set forth with respect to  
24 the department of public utilities in section 5 of chapter 25.

1 SECTION 51. Notwithstanding section 2 of chapter 25 of the  
2 General Laws, upon the effective date of this act, the secretary of  
3 energy and environmental affairs shall appoint to a two-year term  
4 the commissioner of the commonwealth utilities commission  
5 whose term is not coterminous with that of the governor.

1 SECTION 52. (a) Notwithstanding any general or special law  
2 to the contrary, this section shall facilitate the orderly transfer of  
3 the employees, proceedings, rules and regulations, property and



4 legal obligations and functions of state government from the  
5 department of telecommunications and energy, solely to the extent  
6 that they relate to telecommunications and cable television  
7 including but not limited to the divisions of telecommunications  
8 and of community antenna television, as transferor agency, to the  
9 department of telecommunications and cable, as transferee  
10 agency.

11 (b) Subject to appropriation, the employees of the transferor  
12 agency, including those who immediately before the effective date  
13 of this act held permanent appointment in positions classified  
14 under chapter 31 of the General Laws or have tenure in their posi-  
15 tions as provided by section 9A of chapter 30 of the General Laws  
16 or did not hold such tenure, or held confidential positions, are  
17 hereby transferred to the transferee agency, without interruption  
18 of service within the meaning of section 9A of chapter 30,  
19 without impairment of seniority, retirement or other rights of the  
20 employee, and without reduction in compensation or salary grade,  
21 notwithstanding any change in title or duties resulting from such  
22 reorganization, and without loss of accrued rights to holidays,  
23 sick leave, vacation and benefits, and without change in union  
24 representation or certified collective bargaining unit as certified  
25 by the state labor relations commission or in local union represen-  
26 tation or affiliation. Any collective bargaining agreement in effect  
27 immediately before the transfer date shall continue in effect and  
28 the terms and conditions of employment therein shall continue as  
29 if the employees had not been so transferred. The reorganization  
30 shall not impair the civil service status of any such reassigned  
31 employee who immediately before the effective date of this act  
32 either held a permanent appointment in a position classified under  
33 chapter 31 of the General Laws or had tenure in a position by  
34 reason of section 9A of chapter 30 of the General Laws.

35 (c) Notwithstanding any general or special law to the contrary,  
36 all such employees shall continue to retain their right to bargain  
37 collectively pursuant to chapter 150E of the General Laws and  
38 shall be considered employees for the purposes of chapter 150E.

39 Nothing in this section shall confer upon any employee any  
40 right not held immediately before the date of the transfer, or to  
41 prohibit any reduction of salary grade, transfer, reassignment, sus-

42 pension, discharge or layoff not prohibited before such date; nor  
43 shall anything in this section prohibit the abolition of any man-  
44 agement position within the divisions of telecommunications or  
45 community antenna television after transfer to the department.

46 (d) All petitions, requests, investigations, filings and other pro-  
47 ceedings appropriately and duly brought before the transferor  
48 agency, or pending before it before the effective date of this act,  
49 shall continue unabated and remain in force, but shall be assumed  
50 and completed by the transferee agency.

51 (e) All orders, advisories, findings, rules and regulations duly  
52 made and all approvals duly granted by the transferor agency,  
53 which are in force immediately before the effective date of this  
54 act, shall continue in force and shall thereafter be enforced, until  
55 superseded, revised, rescinded or canceled, in accordance with  
56 law, by the transferee agency.

57 (f) All books, papers, records, documents, equipment, build-  
58 ings, facilities, cash and other property, both personal and real,  
59 including all such property held in trust, which immediately  
60 before the effective date of this act are in the custody of the trans-  
61 feror agency, shall be transferred to the transferee agency.

62 (g) All duly existing contracts, leases and obligations of the  
63 transferor agency, shall continue in effect but shall be assumed by  
64 the transferee agency. No such existing right or remedy of any  
65 character shall be lost, impaired or affected by this act.

66 (h) Whenever the term “department of telecommunications and  
67 energy” appears in any statute, regulation, contract or other doc-  
68 ument, it shall be taken to mean the department of telecommuni-  
69 cations and cable to the extent that it relates to  
70 telecommunications or cable television or calls upon the depart-  
71 ment of telecommunications and energy to take actions relating to  
72 telecommunications or cable television. Otherwise, it shall be  
73 taken to mean the department of public utilities.

1 SECTION 53. Whenever the following former names of agen-  
2 cies appear in any general or special law, regulation, contract or  
3 other document, they shall be taken to mean the following new  
4 names of agencies, respectively:

5 (a) the executive office of environmental affairs, the executive  
6 office of energy and environmental affairs;

7 (b) the executive office of transportation, the executive office  
8 of transportation and public works;

9 (c) the executive office of public safety and homeland security,  
10 the executive office of public safety and security;

11 (d) the executive office of economic development, the execu-  
12 tive office of housing and economic development.

1 SECTION 54. This act shall take effect as soon as it has the  
2 force of law under subsection (c) of section 2 of Article  
3 LXXXVII of the Amendments to the Constitution.